

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

1) RANDI GOLIGHTLY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-12-415-FHS
)	
1)JACK CHOATE, in his official)	
capacity, 2) Jailer 1 who refused)	
treatment, individually and in her)	
official capacity; 3) Jailer 2 who)	
refused treatment, individually and)	
in her official capacity; 4) Board)	
OF COUNTY COMMISSIONERS, OKFUSKEE)	
COUNTY, OKLAHOMA,)	
)	
Defendants.)	

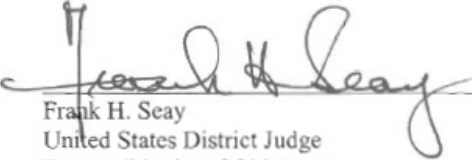
OPINION AND ORDER

Before the court for its consideration is the Defendants Jack Choate, in his Official Capacity and Board of County Commissioners of Okfuskee County, Oklahoma's Motion to Dismiss and Brief in Support (Doc. 4). Defendants sought dismissal of the Fifth and Sixth causes of action for failure to state a claim under state tort law. Defendants also sought dismissal of Plaintiff's Second and Third causes of action for claims made pursuant to the Fourth, Fifth and Fourteenth Amendments. Defendants also sought dismissal of Plaintiff's Fourth cause of action and for her claim of punitive damages. Plaintiff filed a response arguing that she had alleged sufficient facts in her state court petition to withstand a motion to dismiss. However, in her response, Plaintiff did request an opportunity to amended her state court petition.

Plaintiff's response failed to oppose Defendant's argument regarding dismissal of the Second and Third causes of action. As

a result, the court will consider these causes of action as conceded by Plaintiff and will dismiss them with prejudice to re-filing. As to the remaining portion of the state court petition, which was removed to this court, the court will allow the Plaintiff to file an Amended Complaint in light of the pleading requirement found in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007). This Amended Complaint must be filed by June 17, 2013.

DATED this 3rd day of June, 2013.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma